

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-406-C – ORDER NO. 2000-0068
JANUARY 18, 2000

IN RE: Application of Bryant's Wireless Service)	ORDER
To Provide Facilities-Based and Resold Local)	GRANTING
Exchange Telecommunications)	CERTIFICATE
Services Within the State of South Carolina)	

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This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Bryant's Wireless Service ("Bryant's" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold local exchange telecommunications services within the State of South Carolina. The Application was filed pursuant to S.C. Code Ann. § 58-9-280 (Supp. 1998) and the Regulations of the Commission.

By letter, the Commission's Executive Director instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. Bryant's complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC"). On January 5, 2000, Counsel for SCTC filed with the Commission a Stipulation in which Bryant's stipulated that it would seek authority only in non-rural local exchange ("LEC")

service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent's service area, unless and until the Company provided written notice of its intent prior to the date of the intended service. Bryant's also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Bryant's agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on January 5, 2000, in the Commission's Hearing Room. The Honorable Philip T. Bradley, Chairman, presided. Bryant's was represented by Clifton Newman, Esquire. Jocelyn D. Green, Staff Counsel, represented the Commission Staff.

Alexander Bryant, President and Chief Executive Officer of Bryant's, appeared and testified in support of the Company's application. The Company seeks to provide a full range of local exchange and exchange access telecommunications services in the non-rural areas of South Carolina. Upon certification, Bryant's will also offer its customers optional features such as Caller I.D., Call Waiting, Call Return, Call Forwarding, and Three-Way Calling.

As President and Chief Executive Officer, Mr. Bryant is responsible for the provision of capital to support the Company's operations. He also supervises the accounting, finance, regulatory, marketing, and daily operations of Bryant's offices in Beaufort, Hampton, and Allendale counties. Prior to forming Bryant's Wireless Services, Mr. Bryant had several years of managerial and telecommunications experience. Mr. Jayson Jackson is the Vice President of

Bryant's; according to Mr. Bryant, Mr. Jackson also has several years of managerial experience. If necessary, the Company will rely on existing credit facilities, other banking services, and other assets for financial support.

Regarding the Company's technical experience, Mr. Bryant testified Bryant's was formed in July 1999. The Company is currently engaged in the resale of home telephone services as an agent for P.V. Telecom and Easy Talk Communications. Bryant's will rely on the technical expertise of the incumbent local exchange carrier to resolve technical problems that affect South Carolina customers. The Company plans to provide facilities-based and resold telecommunications services to residential and business customers in South Carolina.

Mr. Bryant's testimony reveals that he hopes to provide a more convenient service for customers who at one time had to drive twenty-five to fifty miles to obtain telecommunications services. The Company will bill its customers on a monthly basis; Bryant's name and customer service department telephone number will appear on the bill. The customer service department will be located in Beaufort, South Carolina and it will be open from 7 a.m. to 10 p.m.

The Company will market its services through avenues such as local television, radio, and word-of-mouth. The company is not currently providing services in any other states. The Company plans to make arrangements with the incumbent local exchange carrier (ILEC) for the ILEC to publish in its directory the names, addresses and telephone numbers of Bryant's customers.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Commission finds Bryant's is organized as a corporation under the laws of the State of South Carolina.

2. The Commission finds Bryant's has the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280 (B)(1) (Supp. 1998).

3. The Commission finds Bryant's will provide services which will meet the service standards of the Commission. S.C. Code Ann. § 58-9-280(B) (Supp. 1998).

4. The Commission finds that Bryant's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1998).

5. The Commission finds that Bryant will support universally available telephone service at affordable rates. S.C. Code Ann. § 58-9-280 (B)(4) (Supp. 1998).

6. The Commission finds that the provision of local exchange service by Bryant's "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-280 (B)(5) (Supp. 1998).

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Bryant's to provide competitive intrastate local exchange services in the non-rural local exchange areas of South Carolina. The terms of the Stipulation between Bryant's and SCTC are approved, and adopted as a portion of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation.

2. Bryant's shall file, prior to offering local exchange services in South Carolina, its final tariff of its local service offerings conforming to all matters discussed with Staff and comporting with South Carolina law in all matters.

3. Bryant's shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, Bryant's shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Bryant's shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, Bryant's shall promptly notify the Commission in writing if the representatives are replaced.

4. Bryant's is directed to comply with all Commission regulations unless expressly waived by the Commission.

5. Bryant's shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

6. By its Application, Bryant's requested a waiver of 26 S.C. Code Ann. Regs. 103-631 of publishing a directory. The Commission grants a waiver of this regulation. Bryant's is directed to comply with all Commission regulations unless expressly waived by the Commission.

7. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a "Public Safety Communications Center," which is more

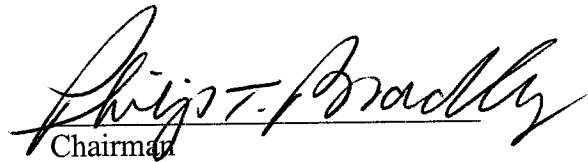
commonly known as a “911 system” or “911 service.” Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs Bryant’s to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association (“SC NENA”) with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order and prior to providing services within South Carolina, Bryant’s shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company’s operations as required by the 911 system

JANUARY 18, 2000

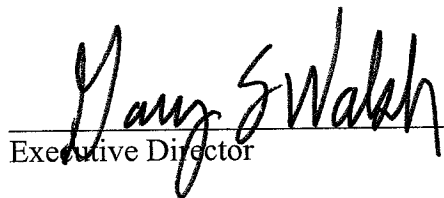
PAGE 7

8. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

AUTHORIZED UTILITY REPRESENTATIVE INFORMATION

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION REGULATION

103-612.2.4(b) - Each utility shall file and maintain with the Commission the name, title, address, and telephone number of the persons who should be contacted in connection with General Management Duties, Customer Relations (Complaints), Engineering Operations, Test and Repairs, and Emergencies during non-office hours.

Company Name (Including dba Name(s) or Acronyms used or to be used in South Carolina)

Business Address

City, State, Zip Code

A.

General Manager Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

B.

Customer Relations (Complaints) Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

C.

Engineering Operations Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

D.

Test and Repair Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

E.

Contact for Emergencies During Non-Office Hours (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

F.

Financial Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

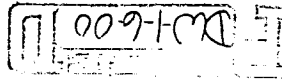
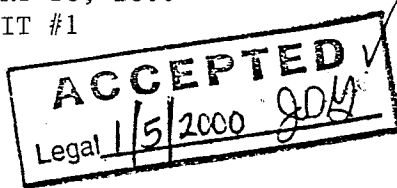
G.

Customer Contact Telephone Number for Company (Toll Free)

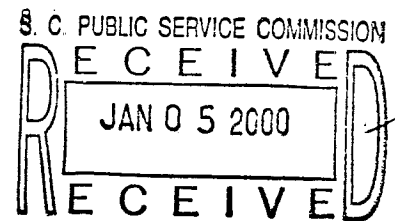
This form was completed by

Signature

**If you have any questions, contact the Consumer Services Department (803-896-5230)
or Utilities Department at (803-896-5105).**



BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA



Docket No. 1999-406-C

Re: Application of Bryant's Wireless Service)
for a Certificate of Public Convenience and)
Necessity to Provide Resold Local Exchange)
Telecommunications Services in the State)
of South Carolina)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Bryant's Wireless Service ("Bryant's") hereby enter into the following stipulations.

As a consequence of these stipulations and conditions, the necessity for SCTC's intervention in this matter is avoided and SCTC withdraws its opposition to Bryant's Application. SCTC and Bryant's stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Bryant's, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.

2. Bryant's stipulates and agrees that any Certificate which may be granted will authorize Bryant's to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. Bryant's stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

4. Bryant's stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Bryant's provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Bryant's acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Bryant's stipulates and agrees that if Bryant's gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law, or the Commission institutes a proceeding of its own, then Bryant's will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Bryant's acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

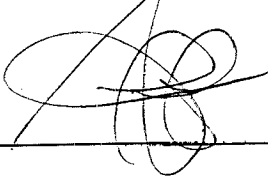
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Bryant's agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

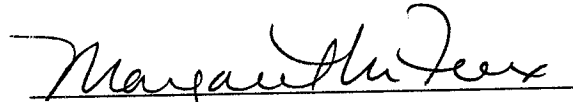
9. Bryant's hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 21 day of DEC, 1999.

Bryant's Wireless Service:



South Carolina Telephone Coalition:



M. John Bowen, Jr.

Margaret M. Fox

McNAIR LAW FIRM, P.A. ;

Post Office Box 11390

(803) 799-9800

Attorneys for the South Carolina Telephone
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies
for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Bluffton Telephone Company, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Hargray Telephone Company, Inc.
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company